



**PETITION NUMBER:** 0807-ZOA-14  
**REQUEST:** To amended WC 16.04.165, Development Plan Review to provide for the review of Special Districts.  
**EXHIBITS:** 1. Staff Report  
2. Ordinance  
  
**STAFF REVIEWER:** Al Salzman

### **PETITION HISTORY**

- The July 21, 2008 meeting represents the first public hearing of this petition before the Advisory Plan Commission.
- This petition appeared before the Advisory Plan Commission at the July 7, 2008 Workshop Meeting.

### **PROCEDURAL**

- Legal notice has been provided for the required public hearing for the July 21, 2008 Advisory Plan Commission meeting in accordance with all applicable statutes.
- Notice of the July 21, 2008 Workshop Meeting was posted to the City web site and at City Hall.
- Proposed amendments to the Zoning Ordinance are required to have a public hearing.
- The Advisory Plan Commission issues a recommendation to the Town Council in regard to proposed amendments to the zoning ordinance.

### **REVIEW OF CHANGES**

The proposed revisions to the existing Development Plan Review language are intended to address the addition of Special Districts to the Westfield-Washington Township Zoning Ordinance. The intention of these revisions is to reduce unnecessary appearances before the Advisory Plan Commission and provide for increased Administrative review of uses within Special Districts, encourage flexibility and innovation in design, and provide incentive for reducing environmental impacts through site design.

In addition, staff noted after the July 7, 2008 Workshop Meeting that the Development Plan Review document forwarded to the Advisory Plan Commission for consideration included outdated language for "Notices" and "Public Hearings," and did not match the language adopted by the City Council as recently as March of 2008. The version of the Development Plan Review ordinance before the Advisory Plan Commission at the July 21, 2008 Public Hearing includes the up-to-date "Notice" and "Public Hearing" language.



## **REVIEW OF COMMENTS RECEIVED**

Several comments regarding the proposed revisions to the Development Plan Review language to accommodate the Special Districts ordinance were provided to staff by members of the Advisory Plan Commission members after the July 7, 2008 Workshop Meeting.

The majority of the comments received were related to the proposed expansion of the ability of the Community Development Department Director to administratively approve modifications to existing, previously-approved institutional sites. In reviewing the history of institutional uses approved since the inception of the current Development Plan Review process in 2001, staff determined that all thirty-one institutional sites subjected to the DPR process were approved as presented. Further, conditions associated with these thirty-one approvals were overwhelmingly generated by Technical Advisory Committee agencies as a result of discussions prior to Advisory Plan Commission, and not as a result of input from the public or Advisory Plan Commission members at the Public Hearing. This information would indicate that the required Public Hearing and associated Advisory Plan Commission hearing for institutional uses was effectively a formality, and was not resulting in substantive changes to the proposed sites. In an effort to reduce unnecessary APC petition volume, staff continues to recommend additions and expansions be approved administratively.

Further comments were provided related to the increased opportunity for waivers, specifically as they pertained to landscaping standards. Staff reviewed the history of institutional developments since the inception of the current generation of the landscaping ordinances, and determined that the eleven (11) landscaping variances requested by institutions were all granted by the Board of Zoning Appeals. Further, the terms of the landscaping ordinance were amended in 2002 to reduce planting requirements specifically for institutions. This information would indicate that the community has not viewed the landscaping standards applicable to institutional uses as rigid, and indicates room for flexibility.

Additional revisions would provide for modifications to permitted building materials. Staff also evaluated the history of institutional developments since the introduction of the current Development Plan Review language, and determined that interpretations as to what building materials were and were not permitted changed over time. Materials that were once considered to be permitted by-right were later required to seek waivers, and each waiver sought for building or roofing materials was granted. Much like the landscaping standards, this consistent approval of building and roofing material waivers indicates that the community has not been rigid in the application of these standards.

Modifications to the proposed Special Districts ordinance since the July 7, 2008 Workshop Meeting are shown in ~~colored strikethrough or underline~~ in the accompanying copy of the proposed ordinance.



## **RECOMMENDATIONS**

Forward this item to the August 11, 2008 City Council meeting with a **positive recommendation.**

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*AFS*

DRAFT